



# **FREDERICK COUNTY PLANNING COMMISSION**

## **June 13, 2018**

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**TITLE:** **Fox Hall Farm**

**FILE NUMBER:** **SP-17-12, AP #18073, (APFO #18074, FRO#18075, SWM #18076)**

**REQUEST:** **Site Development Plan**

The Applicant is requesting Site Plan approval to operate a banquet facility under the definition of 'Country Inn', on a 177.18-acre site zoned 'Agricultural' (A).

### **PROJECT INFORMATION:**

**LOCATION:** 1919 Buckeystown Pike; Located on the northeast corner of the intersection of MD 85 and Greenfield Road near Lilypons.

**TAX MAP/PARCEL:** Tax Map 103, Parcel 49

**COMP. PLAN/LAND USE:** Agricultural (A)

**ZONE:** Agricultural (A)

**REGION:** Adamstown

**WATER/SEWER:** NPS

### **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Glenn J. Zirpolo

**OWNER:** - same -

**ENGINEER:** B&R Design Group

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:** Denis Superczynski

**RECOMMENDATION:** Conditional Approval

### **Attachments:**

Exhibit #1 - Site Plan - Rendering

Exhibit #2 – Board of Appeals: Special Exception 'Findings and Decision' (B-17-09)

Exhibit #3 – Parking Modification Request and a Request for Approval of an Alternate Landscape Plan

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Site Plan approval to operate a banquet facility under the definition of 'Country Inn', set forth in the Zoning Ordinance (Section 1-19-11.100(B)) as follows:

*"Country Inn – The use of a structure that existed on January 24, 1977, in which overnight or otherwise temporary lodging and meals are provided in exchange for compensation, to transient guests in not more than eight guest rooms, along with one or more of the following services: restaurant, **banquet facility**, catering service, and may include meeting rooms."*

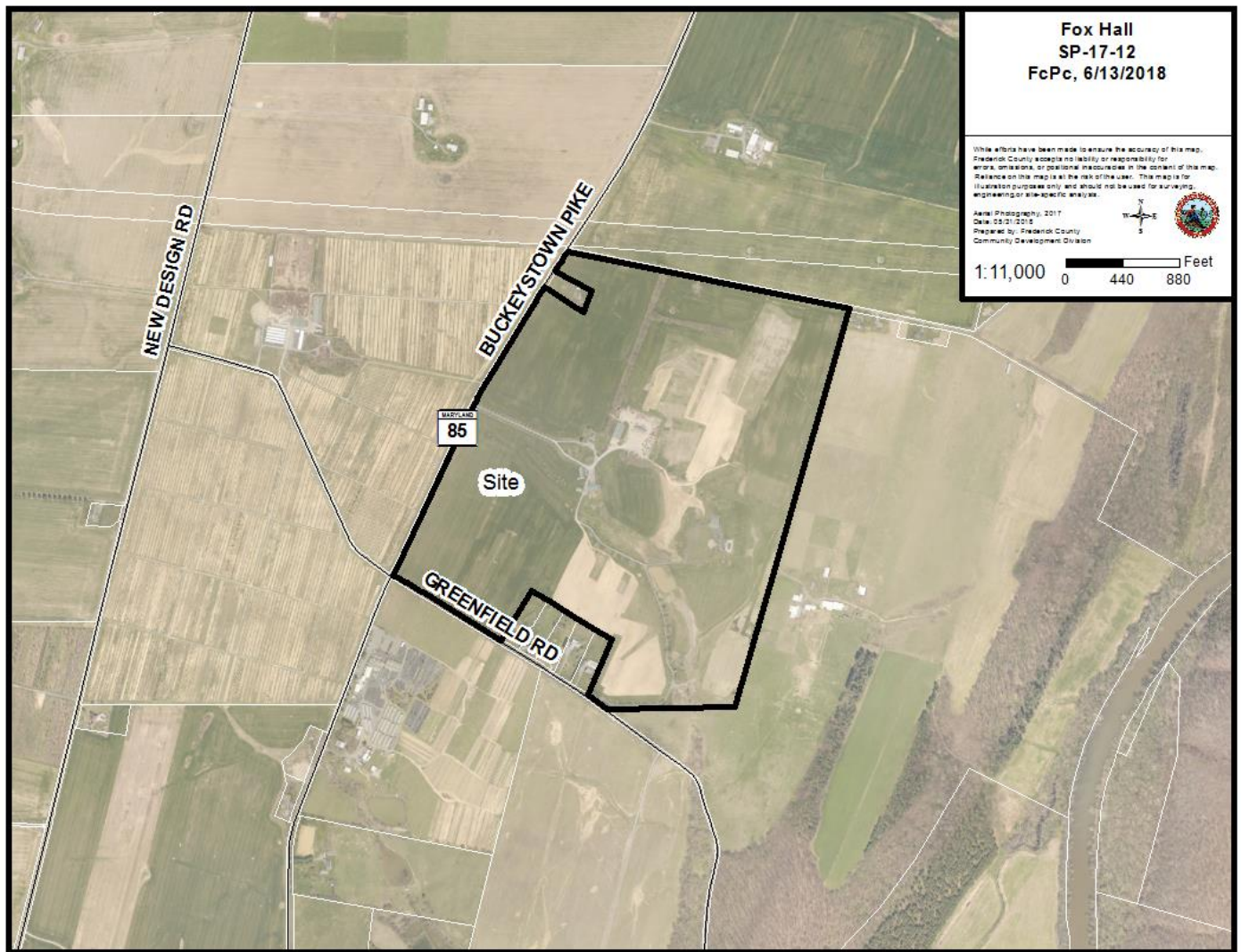
The site of the proposed Facility is a 177.18-acre parcel zoned 'Agricultural' (A), located on the northeast corner of the intersection of MD 85 and Greenfield Road near Lilypons.

The proposed Site Development Plan is subject to the approved special exception and reflects functions generally expected to occur in the area surrounding the restored 19<sup>th</sup>-century bank barn, early 20<sup>th</sup> century dairy barn, and an existing machine shed. A small, existing home – located approximately 300 feet north of the repurposed farm structures - will serve as the Country Inn, offering two (2) guest rooms. Parking is proposed in the field west of the dairy barn, adjacent to the primary activity areas.

The portion of the Site that is proposed to be utilized for functions on the property is located 1,000 feet from Buckeystown Pike (west) and about 1,400 feet from Greenfield Road (south). The Site will gain its access from a new gravel lane to be constructed from Greenfield Road, terminating at the proposed parking field and tying into the existing farm drive north of the bank barn/dairy barn complex. The proposed gravel lane will allow access to the Site without the need for visitors to utilize the existing Buckeystown Pike entrance and will facilitate a safer entry and exit condition for vehicles entering and leaving the Site. No new access is proposed along Buckeystown Pike and the existing farm driveway will be gated and unavailable for use by visitors attending events at the farm.

The existing machine shed is being converted into a structure that will serve as a groom's waiting area and storage facility. The historic dairy barn will be converted into a wedding chapel in a proposed Phase 2 of this project, while the bank barn will continue to serve as the primary event facility.

On August 24, 2017, the Applicant received approval for a Special Exception (B-17-09) from the Board of Zoning Appeals "...to establish a Country Inn for the hosting of weddings and other events."



**Figure 1 - Aerial Photo of of Fox Hall Farm**

# **BACKGROUND**

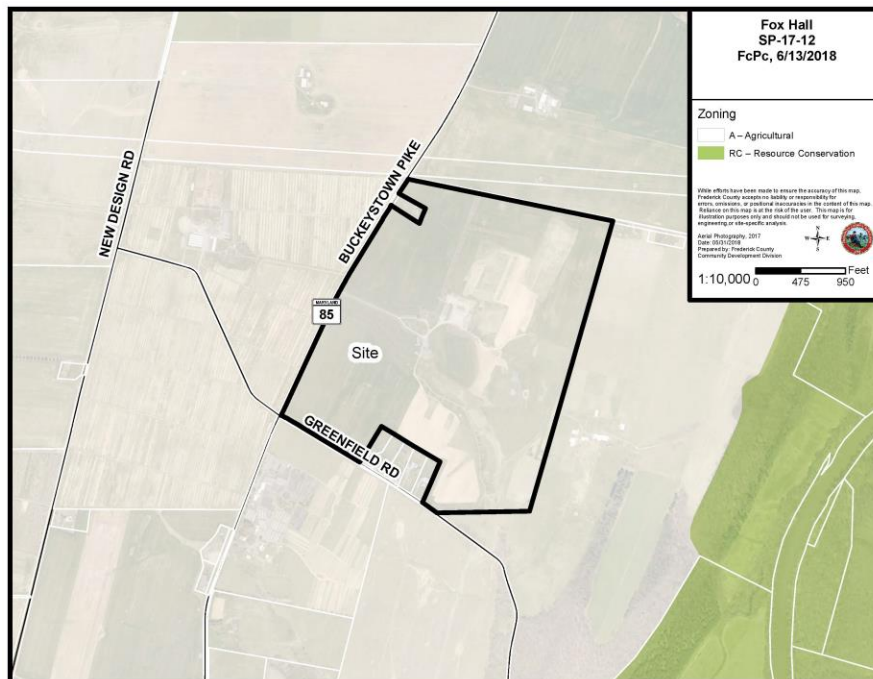
## **Development History**

In August 2017 the Applicant was granted approval by the Board of Zoning Appeals for a Special Exception under Sections 1-19-3.210, 1-19-5.310, and 1-19-8.333 of the Zoning Ordinance which permits the conversion of structures existing as of January 24, 1977, in the Agricultural (A) and Resource Conservation (RC) zoning districts, into a Country Inn.

Key findings of the Special Exception (Case #B-17-09) that will limit the use and operations of this proposed activity, include the following:

- The Site will be used primarily for private weddings, receptions, parties, banquets, corporate events, and associated uses.
- Activities will be conducted in four (4) buildings on the Site including the machine shed (groom's waiting area), bank barn (event facility), dairy barn (wedding chapel), and single-story house (country inn)
- The number of event attendees will be limited to 300 persons (exclusive of staff, estimated at 10-15 employees and contractors)
- Events will occur on Fridays, Saturdays, and Sundays, as well as certain Mondays (associated with a holiday weekend)
- All music will be contained within the Event Barn (existing bank barn)
- The Applicant will utilize large event tents to accommodate clients, dependent upon the weather.

An additional requirement – set forth in the Zoning Ordinance (Section 1-19-8.333 (D) – states that structures utilized as part of an approved Country Inn may be expanded, upgraded, or repaired, but must maintain "...the existing external appearance of the structure.". While the Applicant has not provided any information as to the nature of the conversion/alteration of the four structures, it is expected that there will be a demonstration at the Planning Commission meeting as to how the Applicant will meet this standard, particularly with the establishment of the wedding chapel in the dairy barn and the groom's waiting area/storage area in the existing machine shed.



**Figure 2 - Zoning Map of vicinity**



## Existing Site Characteristics

The subject Site is an older farm property in a predominantly rural and low-density residential neighborhood located southeast of Adamstown. Although the Site is over 177 acres in size, the general area proposed for the event venue is limited to approximately 5 acres in size and is surrounded on all sides by agricultural land.

The existing Site is gently rolling with higher elevations on the northern and southern edges of the Site (See photo below). No regrading of the Site is proposed. Existing landscaping material in the immediate vicinity of the activity site will remain after development of the new gravel driveway, the new driveway entrance, and the parking fields.

A finger of flooding soils – including a small stream (Hatchery Run) – runs through the Site from its southeastern corner up to a point near the farm drive, south of the cluster of farm structures.

The Fox Hall Farm Site is located within the Carrollton Manor Rural Historic District (MIHP# F-1-134), but is not individually listed in the Maryland Inventory of Historic Places. The eligibility of this farm for the National Register or County Register has not been determined.



**Figure 3 - Aerial view of the farm and surrounding properties (looking north)**

Surrounding land uses include:

North – The area adjacent to the Fox Hall Farm property on the north is in agricultural use.

South & West – Five single-family dwellings (along Greenfield Road) and commercial agricultural uses surround the Site on the west and south.

East – The eastern boundary of the Site is in agricultural use, with the Monocacy River located approximately  $\frac{3}{4}$  mile to the east.



Figure 4 - Panoramic view of the farm from Greenfield Road

## ANALYSIS

### Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:

- Compliance with use and site plan standards as a Country Inn and Banquet Facility
- Providing adequate and safe vehicle access to and within the Site
- Providing any necessary alterations or improvements to the Site due to its adaptive re-use

### Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in:

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

### Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards:** No new structures are planned for the Site, although at least two of the buildings are to be renovated for adaptive reuse (Dairy Barn and Machine Shed). The Zoning Ordinance provides setback requirements in the Agricultural District which are easily satisfied in this Site Plan application since the activity is occurring primarily in the center of an agricultural parcel surrounded by many acres of farmland. Standards shown below are for a residential structure, as directed by Section 1-19-8.333.

The Applicant is proposing to meet the established setback requirements generally summarized as follows:



<u>Required (Residential)</u>		<u>Provided</u>
Front Yards:	40 ft	> 1,000 ft to MD 85/ >1,400 ft to Greenfield Rd
Side Yards:	10 ft	> 1,150 ft
Rear Yards:	30 ft	> 1,400 ft
Min. Lot Size	1 acre	177 acres

Maximum Building Height (A District): 30 ft  
Maximum Building Height Proposed (Existing bank barn): 31 ft/Silo @ 42 ft.

The proposed Building Restriction Lines (BRL's) are illustrated on the Site Plan though none of the structures come close to breaching those limits.



**Figure 5 - Country Inn/Banquet Facility Complex including: red Bank Barn (event facility), Machine Shed (Groom's Waiting Area), white Dairy Barn (Wedding Chapel), and existing house (Country Inn, located on the far right).**

2. **Signage §1-19-6.300:** The Applicant is proposing signage as follows:

Permitted signage (business identification in the A District): 25 sf  
Maximum sign height: 15 feet

Proposed signage (maximum): TBD

Specific compliance with the sign regulations will be reviewed at the time of application for a sign

permit by the Applicant, however, the location of proposed signs needs to be addressed by the Applicant and shown on the Site Plan.

3. **Landscaping §1-19-6.400:** The Applicant proposes no additional landscape plantings in conjunction with the current application. The proposed plan generally maintains existing forested areas and much of the other vegetation (individual trees and shrubs) on the property. A vegetative screen planting of white pine and eastern cedar trees (approx.. 200 ft x 50 ft) is proposed along the western edge of Parcel 102 between the proposed new Greenfield Road entrance and the homes located along that roadway. The Applicant has submitted a request seeking approval by the Planning Commission of an alternate landscape plan to document this approach to meeting the site plan standards, particularly with respect to the provision of street trees which would not constitute an appropriate response in this rural environment..

Staff finds that the alternate landscape plan as presented meets the requirements of the Zoning Ordinance.

4. **Lighting §1-19-6.500:** No permanent outdoor lighting is proposed other than that provided via building-mounted fixtures where required by the building code. As provided in the Zoning Ordinance, lighting provided for emergency or safety purposes as required by building or electrical code is exempt from ordinance standards.

Staff finds the lighting plan to be consistent with the requirements of the Zoning Ordinance.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** Vehicular access to the Site is provided via a single proposed driveway with an access onto Greenfield Road located approximately 1,400 feet south of the building cluster that will serve as the banquet facility and country inn. The location of this proposed drive provides a direct access point to the venue while making use of an entrance that avoids conflicts on MD 85. The new entrance will provide adequate sight distance for drivers. Adequate access for emergency vehicles is provided on the Site through the maintenance of the existing driveway as well as the 16 ft gravel drive from Greenfield Road. Internal circulation provides adequate movement area for any emergency vehicle requiring access to the structures and areas serving the proposed use. The existing driveway accessing MD 85 will be gated and inaccessible to event-related traffic. Directional signage will be placed to direct event traffic to the driveway on Greenfield Road.
2. **Parking:** Parking for the proposed facility for functions is provided in a single grass field measuring approximately two (2) acres in size. This parking area will remain unpaved and unmarked and is identified on the Site Plan to demonstrate that sufficient parking space is available to meet the minimum requirement of the Zoning Ordinance. The parking spaces provided include the grass field parking area as well as the paved parking spaces provided along the driveway turnaround and handicap parking area (adjacent to the proposed country inn).





Figure 6 - View of parking fields from north side of dairy barn (proposed wedding chapel)

#### Parking Requirements

Required - @ 1 space per 4 seats (maximum # guests = 300): 75 spaces\*

Provided – Area sufficient to provide 109 spaces including adequate circulation aisles: approx. 2 acres

\* [Parking calculation uses the category of ‘Theater, outdoor or indoor stage, and similar uses’]

Staff has worked with the Applicant to ensure that the parking standards are satisfied while also considering the visual impact on the rural site. In practice, the operators will rotate grass parking fields to avoid compaction of the soil and rutting due to wet weather. Four (4) paved parking spaces are proposed for the area immediately to the side of the country inn, while an additional four spaces meeting ADA standards are proposed for an area adjacent to the bank barn.

The Applicant has requested a parking modification to provide 113 spaces where the target number per the Code is 75 parking spaces (see modification request attached as an exhibit to this staff report).

#### Loading Requirements

Required - 1 large or 2 small spaces (misc. commercial uses not listed in Section 1-19-6.210(B) > 5,000 sf)

Provided - 2 small spaces (located between the dairy barn and bank barn)

The location of the proposed loading spaces serves the primary activity areas on the Site: the future wedding chapel and the event facility. These loading spaces provide service providers with ready access to the Site at a location convenient to meet most of the needs of the operation including caterers, musicians, furniture rental businesses, etc.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Due to the rural nature of the Site, as well as the insular character of the proposed use, pedestrian circulation has been designed to accommodate movement within a limited area in the vicinity of the barns, country inn, and groom waiting/storage building (machine shed). Movement between the parking areas and the areas designated for event activities is planned to occur over routes through the existing mowed fields, on the new gravel drive, and on the paved pedestrian paths between buildings. The Applicant will utilize on-site staff to guide vehicles and pedestrians safely within the Site during planned events.
5. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required for this proposed use and no

bicycle parking has been provided.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

1. **Public Water and Sewer:** The Site is designated 'No Planned Service' for both public water and public sewer service in the Frederick County Water and Sewerage Plan. The Health Department has conditionally approved the proposed Plan. The Site will be served by on-site well and septic facilities approved by the Health Department.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Natural Features:** This application includes minor redevelopment activity in an upland area devoid of any sensitive natural features. The property has been actively farmed for more than two centuries and all of the proposed development activity is set to occur in previously-developed land areas or in existing buildings. Flooding soils existing on-site, however these resources are located outside of the activity areas and will include the required 25 ft buffers..

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. **Proposed Common Area/Open Space:** No public common areas are proposed in this Site Plan application.

### **Other Applicable Regulations**

#### **Adequate Public Facilities Ordinance (APFO) – Chapter 1-20**

**Roads:** The Project is limited to fifty events per year, will generate less than fifty trips during the peak hour of adjacent street traffic, and is therefore not subject to APFO testing based on the thresholds in Section 1-20-30. There are no existing escrow accounts in the vicinity for fair share contributions per Section 1-20-12(H). Therefore, this proposed Site plan is in compliance with APFO requirements.

**Schools:** As a non-residential use, the proposed use does not generate any students and is therefore exempt.

**Water and Sewer:** The Site is designated as NPS, No Planned Service, in the County's Water and  
**Fox Hall Farm –Site Development Plan**

Sewer Plan. No connection to a public water or sewer system is proposed.

**Forest Resource Ordinance (FRO) – Chapter 1-21**

FRO AP 18075: The Combined Preliminary/Final Forest Conservation Plan has been conditionally approved. The Applicant must submit a transfer of Forest Banking Credits in the amount of 1.10 acres of new forest credit OR 2.20 acres of existing forest credit prior to applying for grading permits or building permits, whichever comes first.

**Stormwater Management (SWM) – Chapter 1-15**

A Combined Stormwater Management plan has been submitted and reviewed (AP 18076). Final review will be conducted upon site development plan approval.

**Country Inns in RC and A Districts – Section 1-19-8.333**

Specific use regulations for Country Inns are provided in the Zoning Ordinance as follows:

- (A) The minimum lot size will be 1 acre with minimum setbacks being the same as that required for a single-family dwelling in an A District.*
- (B) No parking will be permitted within the required setback areas.*
- (C) The property will have frontage and access on a paved public road.*
- (D) They shall be located only within a structure that exists on January 24, 1977. Conversion of existing structures may include the expansion of such structures; however, the existing external appearance of the structure must be maintained although it may be upgraded, repaired or expanded.*
- (E) One freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.*
- (F) Within the RC District, the requirement of Section 1-19-7.200 of this Code will be met.*

**Findings/Conclusions**

Staff finds that the Application meets each of the applicable standards above. However, the Applicant must demonstrate - per item (D) above - that the exterior appearance of the structures will be maintained after planned renovations.

**Summary of Staff Findings/Conclusions**

Based upon the review and analysis as provided above, Staff finds that the proposed application meets the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process.

## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditionally Approved
<b>Development Review Planning:</b>	Conditionally Approved
<b>State Highway Administration (SHA):</b>	Approved
<b>Historic Preservation</b>	Approved
<b>Forest Resource (FRO)</b>	Approved
<b>Health Dept.</b>	Conditionally Approved
<b>Office of Life Safety</b>	Approved
<b>Street Naming</b>	Approved
<b>DPDR Traffic Engineering</b>	Approved
<b>APFO</b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the proposed Fox Hall Farm site development plan for the proposed Country Inn and Banquet Facility. If the Planning Commission conditionally approves the plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through June 13, 2021). Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the following modifications are granted and conditions met.

Planning Commission approval of the following modification requests from the Applicant:

1. Modification to permit 113 parking spaces where the target number is 75 spaces per the Zoning Ordinance.
2. Approval of an Alternate Planting Design (landscaping, buffering, screening, & street trees) to allow fewer than the required number of street trees, and to approve all landscaping elements on the Site as proposed.

Staff-proposed conditions of approval:

1. The Site Development Plan approval is subject to the Board of Appeals findings and decisions for B-17-09 adopted August 24, 2017.
2. The Applicant shall show the proposed sign location on the site plan and obtain a sign permit prior to placement of signage on the subject property.
3. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.



4. Address all agency comments as the plan proceeds through completion.
5. Verification by Staff that the proposed alterations to the existing buildings on the Site that will be utilized for this use, will not result in a substantial change in the exterior appearance of the structures after the completion of planned renovations. Such verification will be conducted by County Staff after the submittal of building permit documentation or other material sufficient to convey the finished appearance of the structures. No building permit for the Machine Shop, Dairy Barn, Bank Barn, or Country Inn (house) shall be issued until such time as Planning Staff has reviewed the Applicant's submittal materials and verified compliance with Section 1-19-8.333(D) of the Zoning Ordinance.

## **PLANNING COMMISSION ACTION**

### MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission **APPROVE Site Development Plan SP-17-12** (AP18073; APFO#18074, FRO#18075) **with conditions and modifications** as listed in the staff report for the proposed **Fox Hall Farm (Country Inn and Banquet Facility)** based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

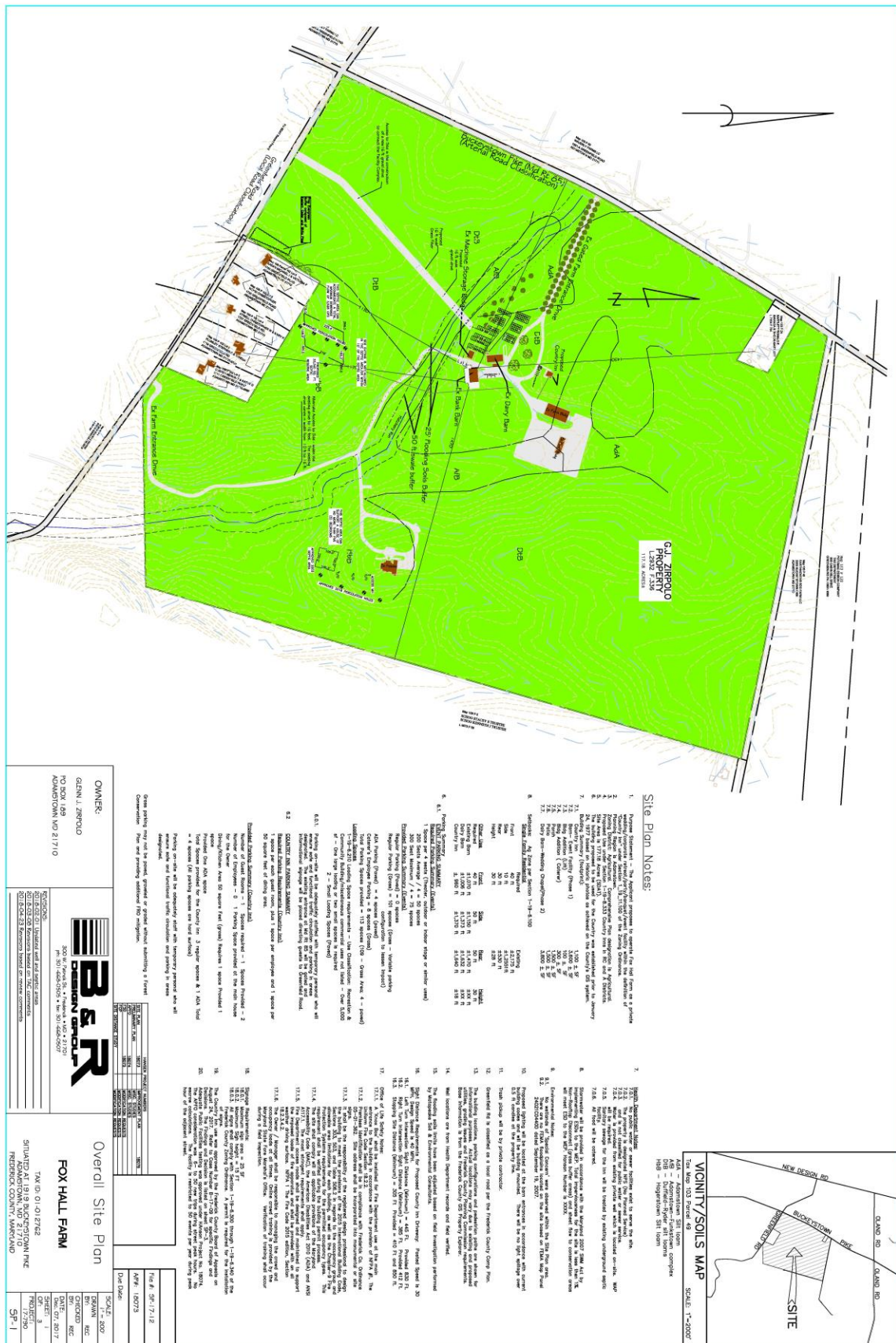


Exhibit 1 – Site Plan (1)

## Fox Hall Farm –Site Development Plan

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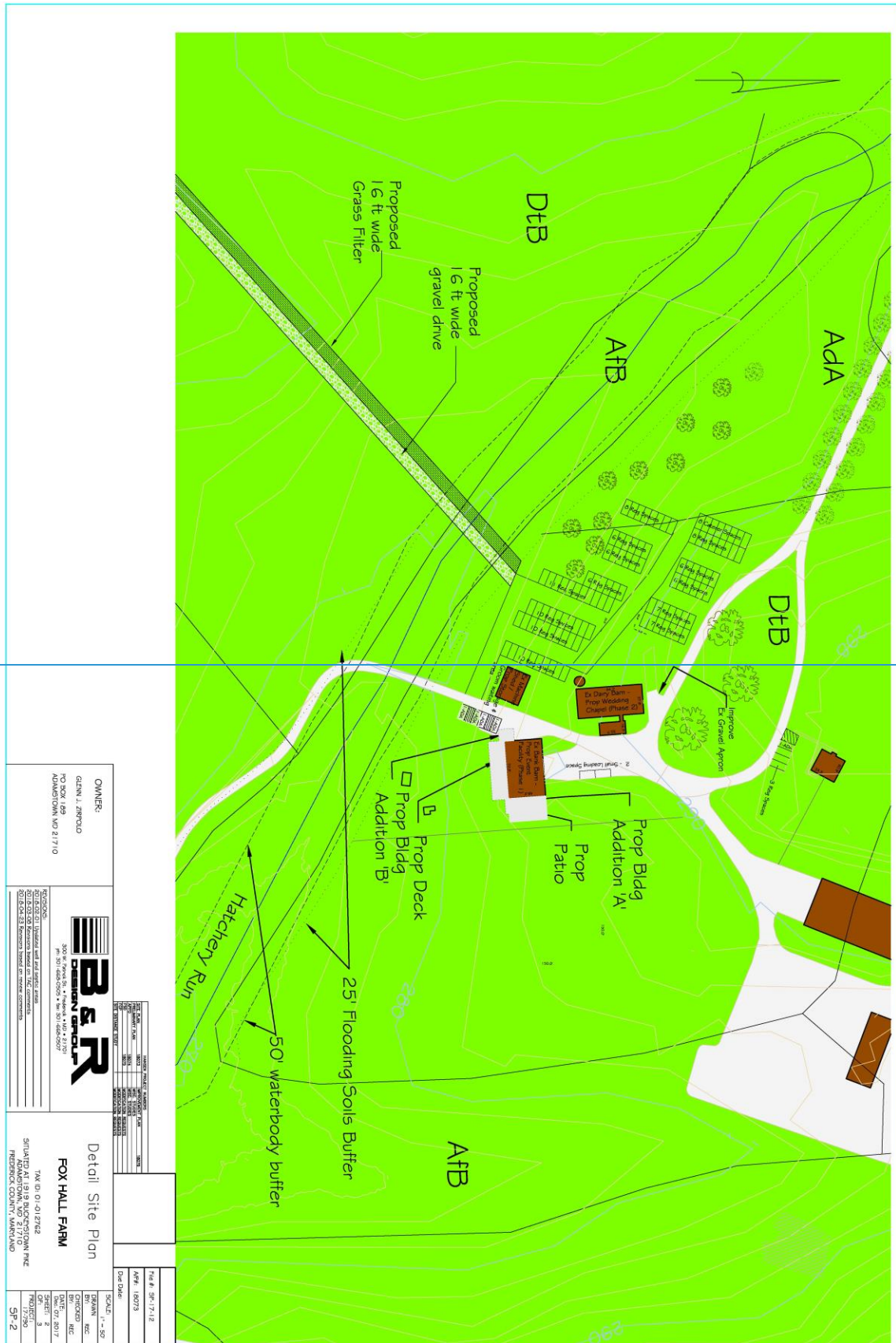


Exhibit 1 – Site Plan (Close-up of building cluster)



IN MATTER OF:

Fox Hall Farm and

Glenn J. Zirpolo, as represented by

Janice B. Rockwell, Esq. and Bill Brennan \*

\*  
Before the Board of Appeals

\*  
for Frederick County MD

\*  
Case No. B-17-09

\* \* \* \* \*

### FINDINGS AND DECISIONS

This matter comes before the Board on the application of Fox Hall Farm and Glenn J. Zirpolo, as represented by Janice B. Rockwell, Esq., and Bill Brennan of B&R Design (hereinafter "Applicant"), requesting a Special Exception as provided for in the Frederick County Zoning Ordinance (hereinafter "Ordinance"). The property (hereinafter "Property") for which the approval is requested is located on the east side of Buckeystown Pike at the corner of Greenfield Road, 1919 Buckeystown Pike, Adamstown, MD 21710-0189 and is further identified by the State Department of Assessments and Taxation as Tax Map 103, Thirteen Parcels 49, Tax ID #01-012762. The Property is currently zoned Agricultural (AG) and contains approximately 177 acres. The Applicant is requesting a Special Exception approval to establish a Country Inn for the hosting of weddings and other events.

The Board finds the Applicant is requesting approval to establish a Country Inn to be used primarily for private weddings, receptions, parties, banquets, corporate events and associated uses. The Applicant intends to use incorporate the following existing buildings into the Country Inn use:

- Country Inn - a single story house with two guest rooms proposed, built in the 1960s and containing 1000 square feet
- Event Barn - a two story bank barn, built around 1890, an approximate 3,520 square footprint
- Wedding Chapel (Phase 2) – a dairy barn, built in the 1940s
- Groom Waiting Area and Storage Facility – machine shed, also built in the 1940s

The Board finds the Property is also improved with a 2nd single family dwelling where the owners live, as well as several buildings used in the active farming operations on the Property.

The Board finds the Applicant anticipates that wedding type events will be the largest, with guests numbering from 100 up to 300, with anticipation that most events will host around 200 guests. Events will occur on weekends, being Friday through Sunday, with the exception of the inclusion of Mondays that occur on holidays. The Applicants intend to operate the facility from 8am to 11pm.

The Board finds during wedding events there will be approximately 10 to 15 staff members arriving and departing throughout the day to assist with events.



The Board finds the Applicant states they would like to incorporate large event tents to accommodate the demands of guests, dependent on weather.

The Board finds the Applicant testified that all music will be contained within the Event Barn, so as to not affect adjoining properties.

Under the provisions of Section 1-19-3.210 of the County zoning Ordinance, the Board finds:

(A) An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

The Board finds the Applicant, Glenn J. Zirpolo, is listed as the owner of the subject Property on current State Department of Assessments and Taxation (SDAT) records.

(B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

(1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and

The Board finds the subject Property is located in the Adamstown Planning Region and is designated as Agricultural / Rural on the Comprehensive Plan.

The Board finds Ordinance Section 1-19-5.310 Use Table indicates a 'Country Inn' is allowable use in the Agricultural zoning district as a Principal Permitted use as a special exception with site development plan approval.

(2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and

The Board finds the subject Property is approximately 177 acres in size with the proposed County Inn use being located at the center of the acreage. The Applicant notes that the nearest residences, being the lots carved from the original farm parcel, are approximately a fifth of a mile away.

(3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and

The Board finds that Applicant proposes that all music will be contained within the event barn to minimize potential noise impacts on neighboring properties.

(4) Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The Board finds the Applicant proposes parking areas near the buildings to be used with the County Inn, all located near the center of the 177 acre parcel. The Applicant has addressed parking requirements as designated in section 1-19-6.220 of the zoning ordinance.

Parking has been calculated for both 'County Inn' use as well as 'Theater, outdoor or indoor stage or similar uses' to be applied to the Event Barn use, as per staff interpretation. Other than ADA parking location, parking will be on grass and can be expanded as necessary. The Applicant notes that a gravel parking area will be used if weather conditions require it.

The Board finds the Applicant will be required to comply with all applicable landscaping regulations within section 1-19-6.400 of the zoning ordinance at the time of site development plan review.

The Board finds the Applicant has proposed to construct a new entrance and exit drive to be accessed at Greenfield Road. The proposed drive is a gravel drive, 16 feet in width, and is shown to include an adjoining 16 foot grass filter to prevent agricultural run-off.

(5) The road system providing access to the proposed use is adequate to serve the site for the intended use.

The Board finds the subject Property is served by Greenfield Road, a paved 'Local' designation roadway that is accessed by Buckeystown Pike (Maryland Route 85), which is classified as a 'Minor Arterial' roadway.

Under the provisions of the Specific Criteria in Section 1-19-8.333 Country Inns in RC and A Districts, the Board finds the following provisions shall apply to Country Inns in RC and A Districts:

(A) The minimum lot size will be 1 acre with minimum setbacks being the same as that required for a single-family dwelling in an A District.

The Board finds the State Department of Assessments and Taxation (SDAT) lists the subject Property as containing 177.18 acres.

(B) No parking will be permitted within the required setback areas.

The Board finds the Applicant has addressed the parking requirements in their justification Statement. As shown on the submitted site plan, no proposed vehicle parking is located within setback areas, which are 40 foot front yard, 10 foot side yard, and 30 foot rear yard (as per Ordinance Section 1-19-6.100, Design Requirements for Specific Zoning Districts.)

(C) The property will have frontage and access on a paved public road.

The Board finds the subject Property is a corner lot and has frontage on two paved public roads. One road is Buckeystown Pike (also known as State Route 85), which is classified as a 'Minor Arterial' with an 80 foot right-of-way. Second is Greenfield Road, which is classified as a 'Local' roadway and has a 50 foot right-of-way.

(D) They shall be located only within a structure that exists on January 24, 1977. Conversion of existing structures may include the expansion of such structures; however, the existing external appearance of the structure must be maintained although it may be upgraded, repaired or expanded.

The Board finds that County Staff researched a 1973 aerial map book and was able to confirm the existence of the same structures the Applicant intends to use with the County Inn.

(E) One freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.

The Board finds the Applicant testified they will install an approximately 6 foot tall sign and that will be less than 25 square feet in total area. The sign will be placed near the proposed entrance off Greenfield Road.

(F) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

The Board finds the subject Property is zoned Agricultural, so this section is not applicable in this application.

The Board received Applicants Exhibit #1, being several photos of the proposed Country Inn site.

The Board received Opposition Exhibit #1, an explanation of Potomac Horse Fever.

The Board received Opposition Exhibit #2, photos of the site area.

The Board received Opposition Exhibit #3, highlighted details from the Zoning Ordinance.

The Board received Opposition Exhibit #4, additional photos with an information sheet.

The Board heard public testimony from both Support speakers, as well as several Opposition speakers.

The Applicant is bound by all exhibits and testimony.

The Board conducted an onsite inspection of the Property on June 14 and July 19, 2017.

4 (B-17-09)




The Board held a public hearing on the requested Special Exception on June 22 and July 27, 2017.

At the June 22, 2017 Board of Appeals hearing, at the request of the Applicant (submitted in a letter dated June 13, 2017, the Board the Board voted to approve a continuance for the Applicant's request to the July 27, 2017 hearing date (5-0) to allow time for the Applicant to allow for more time to address concerns raised by neighbors.

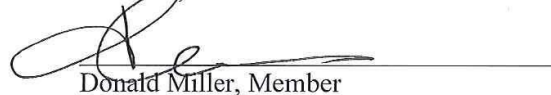
For all of the foregoing reasons, the Board of Appeals finds that the Applicant meets the criteria for Special Exception as outlined in Ordinance Sections 1-19-3.210 and 1-19-8.333, therefore, on a motion by Mr. Miller, and seconded by Mr. Greenwell, the Board voted unanimously (3-0) to grant the Applicant's request for a Special Exception approval to establish a Country Inn for the hosting of weddings and other events with the following condition:

1. The Applicants will contact Maryland SHA regarding the possibilities of creating an entrance for the proposed Country Inn accessed via Route 85 / Buckeystown Pike.

Adopted by the Board of Appeals on the 24<sup>th</sup> day of AUGUST, 2017.

  
John Greenwell, Chairman

  
Earl Beth, Vice-Chair

  
Donald Miller, Member

Ordinance Section 1-19-3.210 (I)

A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.





300 West Patrick St. • Frederick • Maryland • 21701 • Phone: (301) 668-0505 • Fax: (301) 668-0507

May 29, 2018

Mr. Denis Superczynski  
Planning and Permitting  
32 N. Market St.  
Frederick, MD. 21701

Subject: Fox Hall  
Site Plan 17-12  
B & R No. 17-790

Dear Denis:

On behalf of the applicant, Mr. Glenn Zirpolo, we respectfully request the Planning Commission's approval of the following proposed modifications to the requirements of section 1-19-6.220 entitled 'Parking Space requirements and Dimensions' and to section 1-19-6.400 entitled 'Landscaping and Screening' for the Site Plan application.

Modification Requested – Parking modification to grant an increase in the number of parking spaces under section 1-19-6.220 (A)(2).

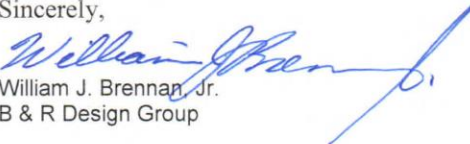
This request for an increase in parking spaces, which is a technical modification, because all of the parking spaces are located within grass areas except for the ADA parking areas and required loading areas. The required parking for this type of facility is based on one space for every four persons in attendance. This guideline requires 50 spaces for 200 person event and 75 spaces for a 300 person event. The parking layout shown on the site plan indicates that the site can accommodate approximately 101 vehicles. This layout reduces the guest per vehicle ratio to three for the maximum event. The parking area will be staffed during the event to direct the guest to the correct location and allow for an orderly parking configuration.

Modification Requested – Street Tree plantings and Parking area buffering.

The applicant is requesting the Planning Commission to allow for an alternative landscaping plan for the project. The alternate design would preserve the existing vegetation and reduce impacts to the farms production fields, which is permitted under section 1-19-6.400(A)(c) and (F). The proposed events will be located within the existing barn complex located near the center of the property and has buffer yards in excess of 1,000 feet. The proposed parking areas have been located adjacent to the existing barns and are screened by the trees that line the existing driveways.

Thank you for your consideration of this request, which supports the permitted use of the property.

Sincerely,

  
William J. Brennan, Jr.  
B & R Design Group